

Topic:-

If Women Are Not Protected  
Socially, Can Legal Actions Protect  
Them?

Outlines:-

1- Introduction

Thesis Statement:- Both social and legal actions are crucial for the effective women protection. However, social factor is more important because without the positive role of society in every aspect, legal actions are of little use.

Therefore, to bring real change, it is necessary to make society strong. (45).

2- How both legal and social factors contribute in women protection?

3- Women cannot be protected if social factor is not strong. (Thesis)

a- Judicial system in our country is not strong

b- There is influence of political and wealthy people on judicial system.

c. Victims are not influential and resourceful

d. Mindset of society is rigid and patriarchal

e. All cases of violence against women are not reported

f. Women are not just being threatened from society but also from immediate family.

4- Strong legal action can be effective (Anti-thesis)

a- Appropriate laws have been made for women protection

b- Media in 21st century is strong so influence can be averted

c- Victims are supported by several NGOs

d- Society cannot affect legal proceedings

e- Reported cases are dealt <sup>strongly</sup> handedly

f- Women can take legal help even against family members

5- Social factor is more necessary from for Women protection. (Synthesis)

a- Proper law enactment is required for change

b- Media Coverage of social issues is not sufficient.

c- NGOs can only support reported cases.

- d- Society is predominantly patriarchal
  - e- All cases must be reported to bring effective and real change
  - f- Women are not empowered to file case against family
- 6- Conclusion

Laws, legal proceedings and legal safety measures are the product of civilisation. For the practical benefits, laws are needed to be practised. However, areas where laws are preferred over the traditions, society is the factor which can ensure women protection.

This has been shown in Islam 1400 years ago. Islam made the women protection part of social norms. Women were given protection in the form of daughter, wife, sister, mother. Islam made social factor strong along with laws formation. Therefore, both legal and social factors are important for the effective protection of women. However, social factor is more crucial because without the positive role of society in every aspect, legal actions are of little use. Therefore, to bring real change, it is necessary to make society strong. As women cannot be protected

if social factor is not strong, judicial system is not strong, <sup>wealthy</sup> people are not influential, victims are not resourceful, social mindset is patriarchal, under reported violence cases, and women also face domestic violence and abuse.

There is perception that strong legal actions can be effective as laws have been enacted, media is influential, victims are supported by NGOs, strongly handled victim cases and legal actions can be taken against family members.

However, legal protection is dependent on social factor as law enactment should be proper, media coverage is not sufficient, NGOs can only support reported cases, and women <sup>are not</sup> empowered to file case against family.

Both legal and social factors contribute in women protection. Legal actions are only effective when they are supported by society and when the cases are reported

timely. When the cases are reported timely and supported by society, victims get justice timely. Raimab

Rape and murder case in Kasis in 2015 was reported, strongly prosecuted because of legal and social protection. Thus, both social and legal

protection is necessary for effective women protection:

However, social protection is required for women protection. As judicial system in our country is not strong. Long prosecution system, people's influence on judicial system make our judicial system ineffective. Pakistan's judicial system assessment / ranking has shown ineffectiveness of our judicial system. As per 2021 global ranking, Pakistan stands at 130 out of 139 countries. Therefore, judicial system of Pakistan in providing justice to gender violence is not effective.

Ineffective judicial system makes the political influence of strong and wealthy people strong. This political influence halts the process of providing justice to the victims of violence or abuse. Strong political influence either prolongs the prosecution process or ends the case with ~~not~~ so called one-sided pardon. Shahzeb Khan murder case in 2012, who was murdered brutally by Shahidkh Jatoi got an acquittal in October 2022. He was murdered because his

Sister was being harassed by Shabrokh Jatoi. He got acquitted as a result of pardon. Thus, our judicial system is prone to political influence.

On the other hand, victims are not resourceful and influential to fight against weak and politically influenced judicial system. Without resources and influence it is difficult to get justice or even file case against influential criminals. For legal proceedings, lawyers are hired, and lawyers cannot be hired without money. Uninfluenced and financially weak people cases are prolonged intentionally on the demand of influenced people. This makes the outcome and value of legal actions unuseful.

Owing to the weak legal actions and poor outcomes, mindset of our society is highly patriarchal and rigid. Weak judicial does not guarantee the respectful justice to the victims of gender-based violence, thus families are

feel hesitant and disrespectful in pursuing the cases of women. Not only this patriarchy is prevalent in our society but also present at the justice providing institutions. As per United Nations Development Programme (UNDP), in 2020, Pakistan has been ranked among seventy five countries with anti-women bias. **(Pakistan's Rape Problem, Etribune, Nov, 2022)**. Thus, rigid and patriarchal society mindset halts the progress of judicial system.

Due to this patriarchal mindset, all cases against women violence are not reported. Victim blaming, poor justice system, influential criminals, make the process of case reporting slow and unconsequential. Pakistan is presenting the poor picture of case reporting against women. According to National Police Bureau data, out of 11,160 cases of sexual assault only 4,837 cases were reported in 2019, 4,333 in 2020 and 2,390 in 2021. **(Gender Based Violence, Dec 2022, Dawn)**. Thus,

This kind of mindset weakens the legal proceedings of women protection severely.

~~Due to this rigid mindset~~ Moreover, this patriarchal mindset of society makes women vulnerable, and they are not just being threatened from society but also from immediate family. Due to this kind of violence, legal protection to women becomes severely weak as this violence is declared as personal issues. The ratio of violence cases by immediate family or partner is horrible. As per UNDP femicide 2022 report, every 11 minute a woman or girl is killed by immediate family or partner. **(Gender Based Violence, Nov 2022)** Thus, women are not just being threatened by society but also from family members.

Opponents argue that strong legal actions can be effective in providing protection to women. As appropriate laws have already been made for women protection. Laws which are specifically made to protect women against violence can yield positive results.



result. Pakistan has also made several laws or acts for effective women protection. Examples of these laws include Prevention of anti-Women Practices Act (2011), Domestic Violence (Prevention and Protection) Bill (2009), the protection against harassment of Women in Workplace Act (2010). Thus, effective practising can protect women legally and effectively.

Besides of ~~strong~~ women protection acts, media in 21st century is strong enough to avert the influence of strong and wealthy people. With strong media, enactment of laws becomes strong and fear of poor image forces institutions to work in the law boundaries. Strong media coverage not only debates the case but also its following makes sure that victims are given justice. In Noor Mulcadam murder case, Zahid Jaffer despite of his influential background was sentenced to death by Islamabad Session Court in February 2022. This represents that strong media coverage of gender based violence can help in women protection.

If the victims are not economically strong and socially influenced, then they are protected and supported by several national as well as international NGOs. NGOs protection makes the violence cases strong and political influence of criminals gets weakened. NGOs protection gives the case media coverage, consequently public opinion and pressure forces institutions to provide justice to the victims. This ensures the timely justice. Thus, in case of poor victims they can get the support of NGOs.

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It is difficult for the society to affect the legal proceedings of reported and supported cases. Laws are obeyed whether they are good or bad in the eyes of patriarchal society. The reported cases of gender based violence are trailed and get quick justice if highlighted by media. In Noor Mukadam murder case, Zahid Azhar was sentenced to death after a speedy trial. Thus, society which does not support women empowerment cannot affect the legal

proceedings of cases.

Owing to the good legal proceedings in supported cases, this

show exhibits that reported cases are dealt strongly. This

strict enforcement of laws makes the women protection possible and

achievable. The reported cases and those cases which come in limelight of

media coverage get intimate legal support. According to 2017-2018 Pakistan

Demographic and Health Survey, 28 percent of women experienced intimate violence

in their lifelines. The reported percentage was low compared to 2012-2013

survey which reported 32 percent.

(Aljazeera, Dr. Nida Kirmami, Oct 2021). These reported cases are handled seriously and on priority basis.

Owing to the significant legal proceedings, women can even get legal help against family members. Reporting

and filing cases against family members as well would make the

legal protection for women strong. Laws for the women protection against domestic violence have been enacted

The act for the prevention of domestic violence has been enacted as

Domestic Violence (Prevention and Protection) Act 2020. This

exhibits that women speak up and report cases against domestic abuse and violence.

Despite of the legal protection, social protection is the more important factor.

As proper enactment of laws is entitled for women protection is necessary. Only law making does not create difference, proper practising and exercising of law is necessary.

Various laws have been made and introduced for the women protection. But cases of violence against women are still rising. Increased gender gap exhibits that conditions are bleak.

Pakistan was standing at 153 out of 156 nations on global gender gap (2021) and as per (2022)

index Pakistan ranked 145 out of 146 countries. This shows that proper law enactment is needed.

Moreover, media coverage of social issues is not sufficient.

Unstable political and economic conditions do not give space to social issues on media. Without media

pressure and highlighting, enactment of laws and free and fair trials are difficult. Approximately 80-90% of media shows are

related to the dynamic political conditions of the country. In August, M-F local wing in Bajaur district demanded that women must be kept away from recreational spots. (Manifest Misogyny, Dawn, August 2022). This was not highlighted by Media. Thus, media coverage of violence against women is not sufficient.

Owing to the low media coverage, NGOs can only support those cases which are reported. Without the case reporting, it is impossible for NGOs to support the victims. Moreover, to highlight the case of women violence is considered taboo in society. According to some estimates fewer than 4% of sexual assault cases in Pakistan result in prosecution. (Pak's Rape Problem, Syed M. Ali, Etibume, Dec 2022) This fewer number of case's prosecution ~~cannot~~ shows that NGOs cannot support all cases of women violence.

Further, our society is predominantly patriarchal. Women are considered inferior to men and their rights to speak about violence are not considered. Due to this rigid and patriarchal

at mindsets, most of the victims of domestic violence prefer to stay silent on abuse. According to Human Rights Commission of Pakistan's Journal of Medical Sciences, "approximately 90% of the women have experienced violence at the hands of their husbands or families, while 50% of women who experience domestic violence do not respond in any way and remain silent. (Sep, 2021). This exhibits that mindset of our society is predominantly patriarchal and rigid.

Only few reported cases and fewer successful trials cannot bring effective change. For effective change, all cases must be reported. Efficient reporting and trials of all cases would empower women and would protect them from violence. The January to July 2022 data obtained by Was Against Rape (WAR) from Karachi police shows that FIRs were registered only in 49% of cases (Gender-based violence under reported in country, Oct 2022, The News). Thus, real change requires that all cases must be reported.

Under-reporting of cases

against women

of women violence exhibits that women in Pakistan are not empowered enough to highlight their cases. Economic disparity, low literacy rate, victimisation are the major reasons of low and poor statistics of women empowerment. Women fearing the possible consequences do not take their cases to courts. Only 0.4% of the women take their cases to courts. (Human Right Commission of Pakistan, The News, Sep 2021). Therefore, women are not empowered enough to speak about their cases or to highlight them at social level.

Putting it in a nutshell, legal protection is neither sufficient nor powerful enough to protect the women in all specifically far-flung areas of Pakistan. Women's economic dependence, low awareness, poor physical and health conditions make them severely dependent on their male counterparts. This level of dependency falls them victim of domestic abuse or violence. The fear of victimisation



and dishonour fall women prey of workplace and other kinds of violence. To bring real, effective and grass root level change, it is inevitable to bring change in the rigid social order by empowering women through education, economic independence, and practising awareness campaigns through media platforms. Women protection is needed to reach at the heights of glory in every field. As Quaid-e-Azam, founder of Pakistan says that No Nation can rise to the height of glory, unless their women are side by side with them. (Quaid-e-Azam Aligarh, 1944).

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